

BOP UPDATE - ISSUE #1

January 1995

**Board of Psychology
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Cover Story

This is the first issue of the new California Board of Psychology newsletter, the BOP Update. It is anticipated that the BOP Update will be sent to all licensees biannually. This first issue is focused on informing all California licensed psychologists about the new mandatory continuing education requirements which will first affect those licensees whose licenses expire in 1996. Additionally, this issue contains information which will inform both licensees and consumers about the purpose of the Board's existence. Over the years, the Board has received many questions, concerns and suggestions from consumers and licensees and has found that there are often misperceptions about the function of the Board and why it exists. Many members of the public (including licensees) do not understand the distinction between the Board and the professional associations. The Board members and staff make every effort to be respectful and helpful to the inquiring public.

The Board exists to protect the health, safety and welfare of the California consumers of psychological services. The Board's purpose is best stated in its mission statement:

The Board of Psychology will empower and protect the consumer and regulate the profession in accordance with the highest principles of professional psychological practice.

Through this and future BOP Updates we hope to heighten the awareness of licensees to those issues which most often affect consumers who may seek their services.

Continuing Education

As a result of a collaborative effort between the Board of Psychology and the California Psychological Association, legislation authored by Senator Dan Boatwright was signed into law in 1992 by Governor Pete Wilson mandating licensed psychologists to participate in quality continuing education efforts in order to renew their licenses.

The philosophy behind mandatory continuing education is not only to strengthen the profession of psychology in California by bringing it into parity with physicians and other health professions but, more importantly, to assure those consumers of psychological services that licensed psychologists are required to demonstrate continuing competency through continuous education and to assure that psychologists are up-to-date in the ever-changing and diverse needs for psychological services.

The new mandatory continuing education law is found in Section 2915 of the California Business and Professions (B&P) Code. The law requires that those California psychologists whose licenses expire in 1996 show evidence of 18 hours of continuing education (CE) completed in the preceding year or order to renew their licenses. That is to say, those licensees who are due to renew their licenses in 1996, must complete 18 hours of approved CE sometime after January 1, 1995 and before the date their licenses must be renewed in 1996. The law further states that those California psychologists whose licenses expire in 1997 and every year thereafter, must complete 36 hours of continuing education within the previous 24 month period in order to renew their licenses.

The Board has spent the past year promulgating regulations in order to further define and detail the general requirements set forth in Section 2915 of the B&P Code. These regulations can be found in Sections 1397.60 - 1397.69 of the California Code of Regulations. In addition to defining various terms used throughout the law relating to continuous education, the regulations set forth the following concepts and requirements:

- ⊕ Specify that falsification or misrepresentation of a fact on a renewal application is grounds for disciplinary action.
- ⊕ Specify that licensees earn one hour credit for each hour of approved instruction; oral examination commissioners will earn four hours credit for a full day's service; oral commissioners of special examinations will earn one hour for each hour served (not to exceed four hours); instructors of an approved course may receive the same credit hours as the participant for only one time that he/she teaches the course; a licensee may not claim credit for the same course more than once during a renewal period.
- ⊕ Encourage licensees to participate in continuing education training in subject matter found by the Legislature to be essential for safe and competent practice of psychology, including but not limited to spousal or partner abuse assessment, detection and intervention, geriatric pharmacology, and the characteristics and methods of assessment and treatment of patients with acquired immune deficiency syndrome (AIDS).
- ⊕ Require licensees to take a course not less than seven hours in length in the subject of the detection and treatment of alcohol and other chemical substance dependency. Credit shall be granted for taking such course only one time during any two renewal periods.
- ⊕ Provide for exemptions from the continuing education requirement for licensees residing in another country for at least one year, absent from California for at least one year due to military or missionary service, or for reasons of health or other good cause. Licensees not involved in mental health services may request exemption from participation in legislatively specified courses. Licensees who are denied an exemption shall complete the education requirement within 120 days of the Board's denial.

- ⊕ Require licensees submitting a delinquent renewal to provide documentation of completion of the continuing education requirements.
- ⊕ Require that course providers apply to a Board-recognized accreditation agency for approval as a provider **and** for course approval. The Board of Psychology has recognized, through the authority in Section 2915 of the law, the California Psychological Association (CPA) as the accrediting agency for the licensing mandatory continuing education program. Therefore, potential course providers must apply to CPA to be approved as a CE course provider.
- ⊕ Require the accrediting agency (CPA) to: maintain a list of persons responsible for the provider's continuing education program; make available to the Board upon request a list of those individuals; respond to complaints relating to CE course providers; review and audit at least a 10% sample of the coursework offered by a provider; and take whatever action is necessary to ensure the quality of continuing education.
- ⊕ Require providers' courses to: be pertinent to the practice of psychology; have stated educational goals and objectives; be taught by instructors competent and qualified by education and training in the subject matter of the course; provide a course syllabus; and identify functions of each participating party in cases of joint sponsorship.
- ⊕ Specify that providers are responsible for assuring the quality of approved courses and must furnish attendance certificates to all participants and a list of course participants to the accreditation agency (CPA).
- ⊕ Require providers to use an evaluation mechanism for participants to assess their achievement and also to evaluate the course.
- ⊕ Require providers to maintain licensee participation records for three years.
- ⊕ Require approved providers to submit requested material in response to the accreditation agency (CPA) audit.
- ⊕ APA approved continuing education courses may be taken at the APA convention or outside the State of California. Courses taken in the State of California must be approved by the Board recognized accreditation agency (CPA).
- ⊕ Licensees who receive APA approved continuing education credit earned at the APA Convention or outside the State of California must submit verification of course completion to the Board recognized accreditation (CPA).
- ⊕ Require that approved courses must consist of classroom contact and specifically disallows correspondence or home study courses.
- ⊕ Specify the following fee schedule:
 - Fees to be paid by **course providers** to the accreditation agency (CPA):
 - \$200 annual provider fee
 - \$35 course registration fee
 - \$5 per licensee course attendee fee
 - Fees to be paid by the **licensee** to the accreditation agency (CPA):
 - \$35 report recording fee for courses taken by non-approved providers as allowed in the regulations.

Throughout both the legislative and regulatory process, the Board made every effort to develop a statute and a set of regulations which efficiently implements a mandatory continuing education program for California licensed psychologists that imposes the least amount of bureaucratic burden upon the licensee. To this end, the only report each licensee will be required to make directly to the Board will be to certify under penalty of perjury, directly on the license renewal form, that all continuing education requirements have been met in the previous two year period. With information provided by the accreditation agency (CPA), the Board will be able to carry out an ongoing 100% audit of licensee compliance.

For those few licensed psychologists who, for one reason or another, are not practicing as a psychologist or identifying themselves as psychologists and have notified the Board to place their licenses in an inactive status, compliance with the continuing education requirements will not be necessary during inactive license status. However, in the event a licensee chooses to reactivate his or her license, he or she must show evidence of meeting the continuing education requirements in the previous two year period.

The Board of Psychology staff is ready to answer any questions licensees may have regarding the laws and regulations relating to the new mandatory continuing education requirements for psychologists. However, any questions regarding provider approval, course approval or the tracking of individual licensees' CE course records would most appropriately be answered by the accreditation agency (CPA). The accrediting office can be reached at (916) 325-4720.

Did You Know?

- ⊕ If you wish to obtain updates of all disciplinary actions of the Board of Psychology, you may do so by writing to the Medical Board of California and requesting to be put on the mailing list for the "Hot Sheet - Monthly Disciplinary Summary." This will provide you with a regular update not only of Board of Psychology disciplinary actions but also those actions of the Medical Board and several other allied health licensing boards within the Department of Consumer Affairs. Write to the Medical Board at:

Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825
- ⊕ Senate Bill 2039 (McCorquodale) was signed into law by Governor Pete Wilson in September 1994. This law will require an Administrative Law Judge to issue an order of revocation after an Administrative Hearing wherein he or she makes a finding of fact that a psychologist has had sexual contact with a patient, or former patient where therapy was terminated to engage in the sexual contact. This legislation, which was supported by the Board of Psychology, is consistent with the Board's position that those psychologists who sexually abuse a patient must be removed from the profession in order to protect the public.
- ⊕ The California Psychologist license expires every two years in the birth month of the licensee. If not renewed on time, the license becomes "delinquent," and this status is reported to any member of the public who inquires. If a delinquent license is not renewed within three years, it becomes void and essentially no longer exists. If this happens, one would be required to apply for licensure all over again and meet **all current requirements**.
- ⊕ If you practice for even a day with a delinquent license, you are practicing psychology without a license which is illegal and cause for disciplinary action. Did you know that if you bill an insurance company, CHAMPUS, Medi-Cal, etc., while your license is delinquent, you may not be reimbursed and if by error you are reimbursed, you may be required to pay back all monies received while delinquent, even years later?

- ⊕ As a courtesy, the Board sends out renewal notices in the weeks before your license is due to expire. However, as with your driver's license or your automobile registration, failure to receive your renewal notice is not cause for not renewing your license on time. If you believe that your license may be delinquent, call the Board's verification unit and ask for the status of your license. The verification unit may be reached at (916) 263-2635 or (916) 263-2382. If you find that your license is delinquent, **renew it immediately** by sending a check for \$425.00 (\$400.00 biennial renewal fee + \$25.00 delinquent fee) to the Board of Psychology, indicating that it is for the purpose of renewing your delinquent license.
- ⊕ Address of Record - It is each licensee's responsibility to always keep the Board apprized of his/her current mailing address of record. Any change of address must be reported in writing to the Board. Failure to do so will result in failure to receive license renewal notices and other vital Board mailings. The Board also reminds you that the address of record is PUBLIC INFORMATION. Therefore, it may not be wise to have your residence as your address of record but rather, list your office address or a post office box.

Background and History of the Board of Psychology

Historically, government agencies regulating growing numbers of professions struggled to overcome a reputation of focusing too much attention on the interests of the professions which they regulate and not enough attention to addressing the risks that the profession may pose to the consumers who seek out the regulated professional services. In California, Section 101.6 of the Business and Professions Code (1980) clearly expresses this state Legislature's findings that those professions which engage in activities which have potential impact upon the public health, safety and welfare must be adequately regulated to protect the people of California. This law provides that all regulatory Boards in the California Department of Consumer Affairs must fulfill two essential functions:

1. "Establish minimum qualifications and levels of competency and license persons desiring to engage in the occupations regulated upon determining that the persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public, and ensure performance according to set and accepted professional standards."
2. ".....provide a means for redress of grievances by investigating allegations of unprofessional conduct, incompetence, fraudulent action, or unlawful activity brought to their attention by members of the public and institute disciplinary action against person licensed.... under.....this code...."

Further, Section 101.6 specifically gives boards the authority to "...conduct periodic checks of licensees...in order to ensure compliance with the relevant sections of this code."

In California, the profession of psychology has been regulated since 1958 with the implementation of a "Certification Act." This act simply protected the title "Psychologist." Prior to 1958, anybody could refer to his/her professional self as a "Psychologist." This Certification Act, however, served only the interests of the business of psychology without a thought to public protection. In 1967, a huge paradigm shift occurred when the State Legislature recognized the many public health risks that the profession of psychology potentially presents and enacted the Psychology Practice Act within the California Business and Professions Code. The Act went many steps further than the Certification Act not only protecting the professional title of "Psychologist" but also defining the practice of psychology and setting standards of minimal competence to protect the California consumers of psychological services. The regulation of the profession of psychology, through legislative and grass roots efforts, suddenly shifted its focus from the interests of the profession to the interests of consumers.

The Administrative Disciplinary Process

The disciplinary process consists of four possible levels of activity:

1. Consumer complaint
2. Investigation
3. Attorney General
4. Administrative hearing or stipulated settlement

The disciplinary process begins with a complaint. Our board receives about 600 complaints per year. By far, the majority of these complaints are resolved at the staff review level through mediation efforts and informational/instructional communications. Only about 1/3 of the complaints received present allegations that if proven true, would present a violation of the Business and Professions Code. Such cases are sent for formal investigation.

The California Board of Psychology, through a shared fee for service arrangement, obtains its investigative services from the Medical Board of California. Investigators are sworn peace officers trained in investigative methods in the medical field. Investigators are collectors of evidence only. They are not triers of fact or judges. Once the investigator determines that all available evidence has been collected, he or she must evaluate whether or not the evidence supports the allegations. If not, the case is typically closed. If so, the case and all collected evidence must be evaluated by usually two licensees with demonstrated expertise **in the subject of the allegations**. Such experts must have been **licensed at the time the allegations are said to have occurred**. Further, experts must be familiar with and thereby competent to review the allegations in the complaint pursuant to the **professional standards in effect at the time the allegations are said to have occurred**. If the experts find, in their opinion, that the allegations, if proven true, indicate an extreme departure from the standard of care, the case must be then referred to the Office of the Attorney General for review. If the expert opinions do not find that the allegations, if proven, would constitute an extreme departure from the accepted standard of care, then the case is resolved by non-disciplinary means and closed.

When a completed investigation case is referred to the Office of the Attorney General, it is first reviewed by a Deputy Attorney General to determine whether or not it is a case that could be proven and therefore filed, and if so, the Deputy Attorney General will draft an Accusation. If not, the Deputy Attorney General will reject the case, document the rejection in memo form, and the case is closed.

An Accusation is the first public document in the administrative disciplinary process. Once an Accusation is filed, a request for a hearing date is made with the Office of Administrative Hearings. Between the filing of an Accusation and the actual hearing date, any number of events can occur including settlement efforts, pre-trial settlement conferences, discovery and so forth.

By far, the large majority of this board's cases will be resolved by settlement efforts in lieu of proceeding with hearing. If a case does proceed to hearing, it comes before an Administrative Law Judge who actually hears the case and renders a proposed decision at its conclusion.

In California, the law requires that this proposed decision be presented to the Board for vote. The Board may vote to adopt such a decision in which case it becomes the Board's final decision and put into effect. Or the law allows the Board to non-adopt the proposed decision and render its own decision. By non-adopting a proposed decision, the Board must call for and individually review the transcripts of the hearing. Further, the Board may allow for written and/or oral arguments by the defense and the Deputy Attorney General handling the Board's case. Subsequently, the Board can either adopt the original proposed decision or it may vote to write its own decision. The Board would only non-adopt a case wherein the proposed penalty was inappropriate given the violation as found by the Administrative Law Judge. The Board may non-adopt a proposed decision in order to increase the penalty. Once a final decision is adopted, it becomes effective in seven days.

Procedural Due Process

This has been an extremely quick and abbreviated trip through the four-step disciplinary process as it is prescribed in California law. It must be emphasized, however, that when the Board takes administrative disciplinary action, administrative law requires that the licensee be given notice of the specific charges and the right to a hearing. At the hearing, the licensee may question the witnesses against him or her and may call his or her own witnesses. It is at this point that the veracity of expert witnesses can be challenged, and it is for this reason that it is in the best interests of the Board's case for the Board to ensure the credibility and expertise of its experts. The same holds true for the experts called by the defense.

The hearing is conducted by an Administrative Law Judge who is employed by an office independent of the Board and independent of the Office of the Attorney General. All of these safeguards amount to what is known as **procedural due process**.

Over the years certain procedures have been accepted by the Supreme Court as complying with procedural due process requirements (or, in other words, assurance of an individual's constitutional rights). First, an individual should receive **notice** that he or she is accused of something which could result in a deprivation of a right. Adequate notice involves presenting the accused with timely and adequate details of the reasons for the proposed termination of a particular right.

The second requirement of procedural due process is an **opportunity to be heard** and this occurs in a hearing format. This hearing should occur within a meaningful time period and the individual should be told the legal and factual basis for the governmental entity's action. Due process is especially enhanced when an individual can **confront adverse witnesses**. There should be **disclosure of evidence** (discovery) used in the case.

An individual has the **right to counsel** and the decision in the case should be **based upon the evidence**. An individual is entitled to an **impartial decision maker** and finally, an individual has a **right to appeal**.

California has more than adequate due process safeguards. **No licensing case has ever been thrown out of court based upon the failure of the State to have adequate procedural safeguards.**

Spectrum of Disciplinary Actions

Non-Disciplinary Administrative Options:

Confidential Information

The public perception of the license disciplinary process usually consists of a generalized misperception that the Board receives a complaint, goes on a witch hunt and then revokes a license. In fact, the vast majority of the complaints received by the California Board of Psychology each year are resolved in non-disciplinary, educational alternatives to formal disciplinary action. For example, if a consumer complaint alleges actions which simply are not within the purview of the regulatory board, the case is immediately closed and is shredded within sixty days. No record of the complaint exists and, most likely, the licensee will have no idea a complaint was filed against him or her.

Other commonly used non-disciplinary administrative options include staff-level **mediation efforts** in which issues such as billing and treatment misunderstandings are discussed with both the complainant and the licensee to hopefully resolve such minor misunderstandings; **letters recommending changes** summarize the issues of the complaint for the licensee and make recommendations to help the licensee avoid complaints of a similar nature in the future; **letters of warning** address minor infractions by the licensee, informing the licensee of the pertinent laws and warning the licensee that if the situation is true and repeated, disciplinary action could result; **educational reviews** are offered to licensees wherein the case presents evidentiary or other deficiencies that would preclude the matter being referred for disciplinary action. Educational reviews are conducted by the investigator handling the case and an

appropriate expert. They are purely voluntary and are done in the spirit of education and assistance to the licensee.

Again, these non-disciplinary administrative options are not for public disclosure and ultimately result in a closed case.

Disciplinary Administrative Options:

Public Information

Much more serious in nature are formal disciplinary actions which can be used by the Board to respond to much more serious offenses. These actions are public information and therefore are disclosed to the public upon request.

Letters of reprimand are an option which can be negotiated between the Board's representatives and the subject of a case and his/her counsel. Such letters can be an option in settlement of an Accusation, or they can be a remedy in lieu of filing an Accusation. Typically, the letter of reprimand includes a summary of the allegations, may or may not include admissions pertaining to the allegations, shall include an acknowledgment by the subject of the impropriety of the alleged/admitted acts summarized, can include cost recovery to the Board for investigation and essentially can include any other term or condition that the parties mutually agree upon. The letter of reprimand is a public document which is provided to consumers upon request. If the parties cannot agree upon the stipulations of the letter of reprimand, the Board is obligated to proceed with the regular course of administrative action.

Probation orders can be set forth either as a result of stipulated settlement negotiations or as a result of the decision in an administrative hearing. The probation order is always a result of a revocation which is stayed, thereby implementing the probation. This procedure is necessary to ensure compliance with the terms and conditions of probation in that if a probationer fails to comply, the Board can revoke the probation. Terms and conditions are identified and imposed based on the specifics of the allegations/admissions/findings of the case. They are designed to protect the public and to hopefully provide a way for the probationer to become a better practitioner.

Surrender of license can occur if a licensee chooses not to proceed with his/her right to an administrative hearing. This action is voluntary on the part of the licensee and must be adopted by the Board. Such surrenders must contain admissions to at least one allegation contained in the Accusation depending on the veracity of the evidence. The licensee who agrees to surrender a license must wait three years to petition the Board of reinstatement.

Revocation of a license is usually the result of an administrative hearing but revocation, too, can be the result of a stipulated settlement.

Interim Suspension Orders/Temporary Restraining Orders can be sought and obtained by the Board in cases where evidence indicates that the licensee is likely to continue to engage in egregious behaviors which present an immediate threat to the public health, safety and welfare. Through the Office of the Attorney General, the Board can request an expedited hearing to immediately suspend the practice of a licensee whose recent behaviors indicate imminent threat to the public. If such an order is granted by an Administrative Law Judge or a Superior Court Judge, the respondent must immediately close his or her practice and the Board must file an Accusation within fifteen days. An administrative hearing must be held within thirty days unless this expedited process is waived by the respondent.

Conclusion: Regulatory licensing boards exist for two reasons: (1) to ensure minimal competency of those to whom it issues a license to practice; and (2) to protect the public from harm. The Board is closely overseen by the Legislature and the administration. If the mission stated in statute is not being met, deregulation of the profession is inevitable. Without regulation, there is no profession.

Publications

The following publications are available from the Board of Psychology upon written request:

1. Laws and Regulations Relating to the Practice of Psychology - include with your written request a check for \$4.00 made payable to the Board of Psychology.
2. Board of Psychology Disciplinary Guidelines - free of charge.
3. The booklet, "Psychotherapy Never Includes Sex" - single copies free of charge to consumers. Licensees may order in bulk from the State Office of Procurement (request order form by writing to the Board of Psychology).
4. Spectrum of Administrative Actions - available from the Board of Psychology (free of charge).
5. Consumer complaint form - available from the Board of Psychology (free of charge).

Psychological Assistants

In recent years, the Board has seen an increase in the number of disciplinary cases involving psychological assistants and supervisors/employers of psychological assistants. A factor common to many of these cases seems to be traceable to an ignorance of the laws and regulations relating to the employment and supervision of psychological assistants. To this end, the following information will hopefully be helpful to those who supervise and employ psychological assistants.

Section 2913 of the California Business and Professions Code (B&P) provides that an unlicensed person may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the American Board of Psychiatry and Neurology, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, by a psychological corporation, by a licensed psychology clinic as defined in Section 1204.1 of the Health and Safety Code, or by a medical corporation to perform limited psychological services by registering with the Board as a psychological assistant. The law requires that the applicant must possess a Master's Degree in psychology or be admitted to candidacy for a Doctorate Degree in psychology or education with the field of specialization in psychology in order to become registered as a psychological assistant. A licensed psychologist can employ and supervise up to three psychological assistants, and a board certified psychiatrist may employ and supervise one psychological assistant. However, a qualified person may be registered as a psychological assistant to an unlimited number of supervisors/employers as long as they obtain a separate registration for each person by whom they are employed/supervised.

The regulations which detail the specific responsibilities of both the assistant and the supervisor/employer are found in Section 1391-1391.12 of the California Code of Regulations. The regulations clearly define the limited psychological functions an assistant may perform as being those functions which are consistent with the education and training of the psychological assistant as well as with the education and training of the supervisor. The regulations further state that the supervisor must be rendering professional services in the same work setting at least 50% of the time professional services are being rendered by the psychological assistant. The supervisor must provide a minimum of one hour per week of face to face individual supervision unless more is required by Section 1387 of the regulations in order for the hours to count toward the supervised professional experience required to qualify for licensure.

The supervisor/employer assumes a tremendous responsibility when agreeing to employ/supervise a psychological assistant. First and foremost, the supervisor/employer is responsible for the limited psychological functions performed by the assistant and for ensuring that the assistant complies with all of the laws and regulations relating to the practice of psychology. All supervisors must be aware that they are responsible for informing each client **in writing prior to services being rendered** that the assistant is NOT licensed and is under the direction and supervision of the supervisor as an employee. It is important to fully realize that the psychological assistant registration IS NOT a license, but simply a registration to allow an unlicensed person to perform limited psychological functions under the close watch of a qualified, licensed supervisor.

Since the psychological assistant registration sets up an employer-employee relationship between the registered assistant and the supervisor/employer, the supervisor/employer may NOT charge the assistant any fee for the employment/supervision or otherwise require any monetary payment **or any other compensation** from the assistant. Further, the psychological assistant can have no proprietary interest in the business and cannot rent or sublease or lease-purchase office space from the supervisor/employer. Psychological assistants cannot receive any direct payments from clients or insurance providers. Any checks received for services rendered must be made out to the supervisor/employer. All expenses related to the functioning of the psychological assistant are the responsibility of the supervisor/employer **including** the payment of the \$40.00 application fee and the annual \$40.00 renewal fee and any related delinquent fees.

All psychological assistant registrations expire on January 31 of each year regardless of when the registration was approved and must be renewed by the supervisor/employer if the psychological assistant relationship is to continue. To allow a psychological assistant to continue to provide limited psychological services after the registration has expired is to aid and abet the unlicensed practice of psychology which is a cause for disciplinary action against a license. If the supervisor has not received a renewal form from the Board by December 31 of any given year for a psychological assistant who intends to keep working into the next year, the supervisor/employer should immediately call or write the Board to obtain the renewal material to ensure that the registration is properly renewed by January 31. Registrations that are not renewed by April 2 are automatically canceled and cannot be renewed. As another mandatory part of the annual renewal process, an Annual Report must be filed by the supervisor/employer. This is accomplished by completing an Annual Report form automatically provided to each supervisor/employer by the Board every November. The Annual Report form requires the supervisor/employer to state the nature of the limited psychological functions being performed by the assistant, provide evidence of employment, list the location(s) where the psychological assistant is providing services under direct supervision and the type, extent and amount of supervision being provided. The supervisor/employer also must certify that the services being performed by the assistant are within the scope of the assistant's education and training.

The psychological assistant registration is not intended to be a final professional goal. The law was written with the intent of the registration being a career **ladder** rather than a career goal. The psychological assistant registration is the only way one can legally accrue qualifying supervised professional experience in **the private setting**. Failing to supervise or improperly supervising a psychological assistant can result in disciplinary action against the supervisor/employer's license and can jeopardize an assistant's prospects of ever becoming licensed. To avoid the distress of any of the many problems that can go along with supervising and employing a psychological assistant, the supervisor/employer must be acutely knowledgeable of the laws and regulations relating to the psychological assistant registration and, more importantly, must be ready to fulfill all of the responsibilities associated with employing and supervising psychological assistants.

Disciplinary Actions: January 1, 1994 - December 31, 1994

Explanation of Disciplinary Language

1. "Revoked" - The license is canceled, voided, annulled, rescinded. The right to practice is ended.
2. "Revocation, stayed, probation" - "Stayed" means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of probation may result in the revocation that was postponed.
3. "Suspension, stayed, probation" - "Stayed" means that the suspension period is postponed, put off. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions. Violation of probation may result in the suspension that was postponed.
4. "Suspension" - The licensee is prohibited from practicing for a specific period of time.

5. "Gross Negligence" - An extreme departure from the standard of practice.
6. "Incompetence" - Lack of knowledge or skills in discharging professional obligations.
7. "License surrender" - Resignation under a cloud. While charges are pending, the licensee turns in the license, subject to acceptance by the Board. The right to practice is ended.
8. "Effective" decision date - The date the disciplinary decision goes into operation.

Vincent, George K., Ph.D. (PSY-9615) - Merced, CA

Gross negligence in failing to keep therapeutic distance by engaging in social activities with patient which constitutes an inappropriate dual relationship.

Revoked, stayed, 3 years probation

Effective: January 5, 1994

Louden, Kenneth, Ph.D. (PSY-4490) - Rosemead, CA

Sexual misconduct.

Revoked

Effective: January 7, 1994

Geiger, Kathleen, Ph.D. (PSY-7988) - Martinez, CA

Conviction of a crime.

Revoked

Effective: February 24, 1994

Berlin, Stephen, Ph.D. (PSY-6121) - Pacific Grove, CA

Improper supervision of psychological assistant

Revoked, stayed, 5 years probation, 30 days suspension

Effective: March 9, 1994

Beaudoin, John, Ph.D. (PSY-13842) - Pacific Grove, CA

Misrepresentation, practiced beyond scope of education, training & experience.

Revoked, stayed, 5 years probation, suspension until psychological evaluation is passed.

Effective: March 9, 1994

Spiegel, Donald E., Ph.D. (PSY-1741) - Studio City, CA

Three prior convictions involving petty theft and lewd conduct.

60 day suspension, stayed, 3 years probation

Effective: March 23, 1994

Richardson, Robert, Ph.D. (PSY-7287) - Fresno, CA

Gross negligence in performance of court-ordered evaluation.

Must pass oral examination in January 1995. If exam is passed, Accusation will be withdrawn. If exam is failed:

Revoked, stayed, 3 years probation

Effective: April 2, 1994

Maksimczyk, Walter J., Ph.D. (PSY-2435) - Huntington Beach, CA

Gross negligence and breach of confidentiality.

Revoked, stayed, 3 years probation

Effective: April 4, 1994

Smith, Daniel S., Ph.D. (PSY-5778) - Claremont, CA

Unprofessional conduct.

Revoked, stayed, 5 years probation

Effective: April 11, 1994

Venners-Sissons, Angela, Ph.D. (PSB-7858) - Lakewood, CA

Conviction for Medi-Cal fraud.

Revoked, stayed, 5 years probation, 30 day suspension commencing on 180th day from effective date

Effective: March 22, 1994

Vidos, Maria, Ph.D. (PSY-7557) - Sacramento, CA

License surrender

Effective: April 21, 1994

Nakano, Loren, Ph.D. (PSY-7265) - Sunnyvale, CA

Conviction for spousal battery. Alcohol abuse, mental illness impaired safe practice.

Revoked, stayed, 3 years probation

Effective: July 5, 1994

Papen, James H., Ph.D. (PSY-5124) - Rancho Cucamonga, CA

Gross negligence in conducting psychological evaluations of clients assigned by Family Court.

Personality disorder affecting ability to practice.

Revoked, stayed, 5 years probation

Effective: June 3, 1994

Sutton, Willey D., Ph.D. (PSY-4467) - Lakewood, CA

Conviction for Medi-Cal fraud.

Revoked, stayed, 5 years probation, 30 day suspension

Effective: June 2, 1994

Lustig, Jan, Ph.D. (PSY-8272) - Vancouver, WA

Sexual misconduct.

Revoked

Effective: June 10, 1994

Schiller, Ira Z., Ph.D. (PSY-5002) - Santa Cruz, CA

License surrender.

Effective: August 1, 1994

Evans, Jerome R., Ph.D. (PSY-3537) - Ventura, CA

Sexual misconduct.

Revoked

Effective: September 22, 1994 (Superior Court review completed)

Benjamin, Steven L., Ph.D. (PSY-5228) - Encinitas, CA

Sexual misconduct.

Revoked

Effective: September 8, 1994

Carter-Hargrove, James A., Ph.D. (PSY-9514) - Corona, CA

Incompetence.

Revoked

Effective: September 8, 1994

Ferguson, Robert W., Ph.D. (PSY-1724) - Mission Viejo, CA

License surrender

Effective: October 19, 1994

Stewart, Ralph H., Ph.D. (PSY-2986) - Phoenix, AZ

Discipline by the Arizona Board for alcoholism and improper billing.

Revoked

Effective: October 21, 1994

Poliak, Diane S., Ph.D. (PSY-7282) - Los Angeles, CA

Sexual misconduct

Revoked

Effective: November 4, 1964

Berg Greg K., Ph.D. (PSY-5800) - Gilroy, CA

Sexual misconduct.

Revoked

Effective: November 10, 1994

Brager, Robert C., Ph.D. (PSY-8499) - San Diego, CA

Conviction for obtaining prescription drug by fraud.

Revoked, stayed, 3 years probation

Effective: November 11, 1994

McEuen, Orin L., Ph.D (PSY-7508) - Riverside, CA

License surrender.

Effective: December 8, 1994

Simon, Gerold R., Ph.D. (PSY-7100) - Torrance, CA

Sexual misconduct, self-use of drugs, gross negligence

Revoked

Effective: December 9, 1994

Sherven, Judith, Ph.D. (PSY-5776) - Los Angeles, CA

Gross negligence.

Suspended for 60 days/45 day suspension stayed/2 years probation

Effective: December 2, 1994

Board of Psychology 1995 Meeting and Examination Calendar

DATE	FUNCTION	LOCATION
January 7	Oral Examination	Los Angeles
January 21	Oral Examination	San Francisco
February 17	Item Writers' Workshop	San Francisco
March 17, 18	Board Meeting	San Francisco
April 5	Written Examination	Northern CA
May 19, 20	Board Meeting	Los Angeles
June 10	Oral Examination	Los Angeles
June 24	Oral Examination	San Francisco
July 21	Item Writers' Workshop	Los Angeles
August 18, 19	Board Meeting	San Diego
October 18	Written Examination	Southern CA
November 17, 18	Board Meeting	Sacramento

*There are no planned meetings or examination functions in the months of September and December.

See Overview of Enforcement Activity on next page.

BOARD OF PSYCHOLOGY OVERVIEW OF ENFORCEMENT ACTIVITY 1989-1994						
<u>CASES OPENED</u>	FY	89/90	90/91	91/92	92/93	93/94
Complaints Received		501	483	561	621	561
Investigations Opened		121	140	202	198	169
Cases Sent to AG/DA		21	33	40	72	67
<u>FILINGS</u>						
Accusations Filed		29	27	23	50	45
Statements of Issue Filed		8	4	3	4	6
Petitions for Penalty Relief Filed		1	3	2	8	5
Temporary Restraining Orders		0	1	0	0	0
Petitions to Compel Psych. Exams		1	0	1	5	2
Interim Suspension Orders		-	-	-	5	1

	FY	89/90	90/91	91/92	92/93	93/94
<u>WITHDRAWALS/DISMISSALS</u>						
Accusations Withdrawn		0	2	2	3	6
Accusations Dismissed		0	2	1	4	2
Statements of Issue Withdrawn		1	0	1	0	0
Statements of Issue Dismissed		0	0	0	0	0
<u>DECISIONS (PENALTY)</u>						
ISO/TRO Ordered		-	-	-	5	1
Revoked		2	10	8	14	13
Revoked, Stayed, Probation		3	9	7	5	8
Revoked, Stayed, Probation, Sups.		4	2	5	6	5
Voluntary Surrender		1	5	5	5	5
Revoked, Prior Condo., Stay, Prob.		0	1	0	0	0
Probationary Certificate		1	3	1	0	1
Petitions for Penalty Relief Denied		1	2	1	7	2
Petitions for Penalty Relief Granted		0	1	0	0	0
Statements of Issue-License Denied		0	3	4	3	2
Statements of Issue-License Granted		0	2	1	0	0
Orders Compelling Psych. Exam		1	0	1	5	1
Reprimand		-	-	-	1	0
Reconsideration Denied		-	-	-	3	0
Other		-	-	-	-	1
<u>DECISIONS (TOTAL)</u>		13	38	33	54	39
<u>DECISIONS (VIOLATION TYPE)</u>						
Gross Negligence/Incompetence		1	4	4	7	10
Inappropriate Prescribing/Treatment		0	0	0	0	0
Violation of Drug Laws		0	0	1	0	0
Self Abuse of Drugs or Alcohol		0	3	2	1	0
Dishonesty/Fraud		1	2	2	1	1
Mental Illness		0	1	1	4	1
Aiding Unlicensed Practice		0	0	0	0	0
General Unprofessional Conduct		0	1	0	1	1
Probation Violation		0	1	1	1	2
Sexual Misconduct		6	10	16	17	12
Conviction of a Crime		3	6	1	6	4
Discipline by Another State Board		0	1	2	3	2
Voluntary Surrender		0	1	0	1	0
Interpersonal Violation		0	0	0	0	2
Other		0	0	3	0	2